

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHERRI L. MCNAIR *for A.E.M.* : CIVIL ACTION

Plaintiff, :
v. :
ANDREW M. SAUL, : No. 19-cv-05771
Commissioner of Social Security, :
Defendant. :

MEMORANDUM OPINION

**RICHARD A. LLORET
U.S. MAGISTRATE JUDGE**

July 14, 2020

Sherri L. McNair's daughter, A.E.M., was determined to no longer be entitled to social security benefits by the decision of an Administrative Law Judge ("ALJ"). Ms. McNair contends that the ALJ's unfavorable decision was reached in error. Doc. No. 15, at 3–9 (Plaintiff's Brief). Ms. McNair argues that (1) the presiding ALJ's appointment was improper under the Appointments Clause of the Constitution; and (2) the ALJ's decision was not supported by substantial evidence and/or contrary to law. *Id.* In response, the Commissioner of Social Security ("Commissioner") filed a motion requesting that this case be remanded, conceding that further evaluation of Ms. McNair's claims is warranted.¹ Doc. No. 18 (Defendant's Uncontested Motion to Remand). The Commissioner has represented that Ms. McNair's counsel consented to his request. *See id.*

¹ The Commissioner assures that he will refer Ms. McNair's case "to a different Administrative Law Judge to further evaluate [her] claims, offer [her] the opportunity for a new hearing, and issue a new decision." Doc. No. 18, ¶ 3.

Because the parties agree that further evaluation is warranted, the Commissioner's motion and Ms. McNair's request for review are granted, the final decision of the Commissioner is reversed, and this matter is remanded to the Commissioner for further proceedings.²

BY THE COURT:

s/Richard A. Lloret
RICHARD A. LLORET
U.S. Magistrate Judge

² The parties consented to the jurisdiction of a United States Magistrate Judge to conduct all proceedings in this case, pursuant to 28 U.S.C. § 636(c), including entry of final judgment. See Doc. No. 2 (Notice of Commissioner's General Consent); Doc. No. 6 (Ms. McNair's Consent Form).